

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**DARYL WASHINGTON,**

Plaintiff,

v.

**Civil Action No. 3:23CV461**

**FEDERAL CORRECTIONAL INSTITUTION PETERSBURG,**

Defendant.

**MEMORANDUM OPINION**

Plaintiff, a Virginia inmate, submitted this action and requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See, e.g., Washington v. Hendricks*, No. 3:07CV21-HEH (E.D. Va. Jan. 28, 2008), Dkt. Nos. 10, 11; *Washington v. Robinson*, No. 3:07CV12-HEH (E.D. Va. Jan. 30, 2008), Dkt. Nos. 9, 10; *Washington v. Hendricks*, No. 3:06CV650-HEH (E.D. Va. Feb. 20, 2008), Dkt. Nos. 9, 10. Plaintiff's current complaint does not suggest that he is in imminent danger of serious physical harm. Accordingly, Plaintiff's request to proceed *in forma pauperis* is DENIED. The action will be DISMISSED WITHOUT PREJUDICE. If Plaintiff wishes to proceed with this action, he may submit a new complaint with the full \$402 filing fee. The Court will process such a complaint as a new civil action.

An appropriate Final Order shall accompany this Memorandum Opinion.

It is so ORDERED.

Date: *4 August 2023*  
Richmond, Virginia

*/s/*  
John A. Gibney, Jr.  
Senior United States District Judge

